

Notice of Allowability

Application No.

10/720,105

Examiner

Henry Baron

Applicant(s)

FACCIN ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 17 August 2007.
2. ☒ The allowed claim(s) is/are 1-42.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892) ✓
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment ✓
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

Response to Arguments/Remarks

1. Examiner acknowledges Applicant remarks of 17 August 2007.
2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under Ex Parte Quayle, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 17 August 2007 has been entered.
3. Currently claims 1, 3, 6, 9-12, 14, 15, 17, 20-29, 31, 34-37, 39, and 41 are amended to more particularly point out and distinctly claim the subject matter of the present invention, and new claim 42 has been added.
4. Examiner has reviewed the amended claims and has determined that the amended claims do not change the scope of the original claims but point out and distinctly claim the subject matter of the present invention.
5. After a detailed search, the Examiner finds claims 1 – 42 in condition for allowance

Allowable Subject Matter

6. Claims 1-42 are allowed in application 10/720,105 in view of an updated search of the prior art. The Examiner notes that none of the prior art teaches the element "transmitting, during the application level communication connection setup procedure, a trigger signal from an application layer to a network layer in the mobile node (Examiner's Italics) wherein the trigger signal comprises the address of the correspondent node;" of claim 1.
7. In an updated search, Examiner found Kellerer WO 2005/041534 teaches of mobile peer-to-peer protocol that uses a cross-layer communication channel protocol (page 6, paragraph 1) that uses a registration i.e. trigger between a from an application layer to a network layer in the mobile node.

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8. However, after the registration, Kellerer used an extended dynamic source routing protocol at the network level for search request and file response (Figure 3 and page 12 paragraph 4).
9. Kellerer does not teach of the trigger signal comprising the address of the correspondent node.
10. Claim 42 is for an apparatus usable in a packet based communication network. Support for an apparatus usable in a packet based communication network is found in the specification as are means for performing an application level communication; means for producing and transmitting, during the application level communication connection setup procedure, a trigger signal from an application layer to a network layer in the network node wherein the trigger signal comprises the address of the correspondent node; and means for performing, in response to the trigger signal, a network level route optimization procedure during the application level communication connection set.

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Henry Baron whose telephone number is (571) 270-1748. The examiner can normally be reached on 7:30 AM to 5:00 PM E.S.T. Monday to Friday.
12. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao can be reached on (571) 272-3174. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.
13. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer

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Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Seema S. Rao
SEEMA S. RAO 12/6/07
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600